

Message Text

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13

ACTION EB-11

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E.O. 11652: N/A

TAGS: ETRN, UK

SUBJ: CIVAIR - SEABOARD AIRLINES 747 SERVICE

REF: LONDON 9389

1. NOTWITHSTANDING WHAT WE HAD INTERPRETED AS RATHER ENCOURAGING SOUNDS FROM BRITISH DURING TALKS ON JULY 31 AND AUGUST 1 (SEE PARA L(C) OF LONDON 9956) TO EFFECT THAT UK'S TECHNICAL OBJECTIONS TO SEABOARD'S PROPOSED SCHEDULES WERE LARGELY OVERCOME BY AIRLINE'S EXPLANATION CONCERNING FLIGHT NUMBER CHANGES, THE DEPARTMENT OF TRADE (DOT) HAS SENT SEABOARD LETTER DATED AUGUST 2 (COPY TO EMBASSY) WHICH SAYS, IN EFFECT, THAT AIRLINE'S 747 FREIGHTER WILL BE UNABLE CARRY NEW YORK/LONDON CARGO ON ITS EASTBOUND SERVICE OVER PARIS.

2. OPERATIVE PORTIONS OF DOT LETTER READ AS FOLLOWS:
AS I UNDERSTAND IT FROM YOUR LETTER, THE SERVICE OPERATED FROM NEW YORK AS FLIGHT 306 TERMINATES AT PARIS. FLIGHT 311 OPERATES FROM PARIS VIA LONDON TO NEW YORK. THIS LATTER FLIGHT IS AN UNUSUAL OPERATION IN THAT IT OPERATES ONE WAY ONLY IN THE REVERSE DIRECTION TO THAT SET OUT IN US ROUTE 2 OF THE ROUTE SCHEDULE TO THE ASA. IN OPERATING FLIGHT 311, IT WILL

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BE REALIZED THAT THERE ARE NO RIGHTS TO CARRY ANY

TRAFFIC UPLIFTED AT PARIS FOR DISCHARGE AT LONDON. THIS IS IN ACCORDANCE WITH THE FOOTNOTE ON PAGE 7 OF THE ROUTE SCHEDULES. YOU WILL, I THINK, BE AWARE THAT THIS MATTER WAS AMPLIFIED IN AN EXCHANGE BETWEEN THE UK AND US GOVERNMENTS DATED 27 MAY 1966 WHICH READS:

QUOTE. WHERE A POINT IN THE REVISED ANNEX IS DENOTED AS WITHOUT TRAFFIC RIGHTS TO OR FROM ANOTHER POINT OR POINTS, THERE SHALL BE NO PICKING UP OR SETTING DOWN OF TRAFFIC BETWEEN THAT POINT AND THE OTHER POINT OR POINTS IN EITHER DIRECTION. THIS PROHIBITION EXTENDS TO CARRIAGE BETWEEN THE POINTS IN QUESTION OF STOP-OVER TRAFFIC INTER-LINE TRAFFIC, WITH OTHER AIRLINES AND CONNECTING TRAFFIC ON THE AIRLINES OWN NETWORK. UNQUOTE.

THIS MEANS THAT NO TRAFFIC HOWEVER IT IS BROUGHT TO PARIS CAN BE CARRIED ON FLIGHT 311 INTO LONDON. IT DOES NOT, OF COURSE, PROHIBIT THE CARRIAGE OF TRAFFIC FROM PARIS TO NEW YORK OVER LONDON PROVIDED THERE IS NO DISCHARGE OF TRAFFIC AT LONDON.

I NOTE THAT THE SERVICE OVER BRUSSELS WOULD AGAIN TERMINATE THERE UNDER FLIGHT 314 AND WOULD BE OPERATED FROM BRUSSELS AS FLIGHT 315 VIA LONDON TO NEW YORK. THIS AGAIN, TOGETHER WITH THE SERVICES OPERATED FROM ITALIAN POINTS IS AN UNUSUAL OPERATION IN THE TERMS OF THE AIR SERVICES AGREEMENT BEING OPERATED ONLY IN ONE DIRECTION, THE REVERSE TO THAT SET OUT IN THE ROUTE SCHEDULES.

3. COMMENT. WE ARE DISAPPOINTED BOTH WITH CONTENT OF DOT LETTER AND WITH FACT THAT BRITISH OFFICIALS DID NOT SHOW US COURTESY OF ALERTING US TO THIS PROBLEM WHEN US/UK TALKS WERE HELD ON JULY 31-AUGUST 1. WE, OF COURSE, ARE PREPARED TO MAKE REPRESENTATIONS TO DOT TO LIFT THEIR RESTRICTIVE CONDITION PROVIDED DEPARTMENT CAN SUPPLY APPROPRIATE ARGUMENTATION. FRANKLY, HOWEVER, WE CONSIDER IT UNLIKELY THAT BRITISH CAN BE PERSUADED TO CHANGE THEIR POSITION. BRITISH DOUBTLESSLY BELIEVE THEY ARE TECHNICALLY CORRECT IN THEIR INTERPRETATION OF BILATERAL AGREEMENT AND THEY PROBABLY HAVE DECIDED TO DRAW THE LINE WITH REGARD TO US CARRIERS TAKING LIBERTIES LIMITED OFFICIAL USE

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WITH RIGHTS EXERCISED UNDER BILATERAL. UNDER CIRCUMSTANCES WE WOULD HAVE TO RECOMMEND THAT SEABOARD BE COUNSELED TO ALTER ITS 747 SERVICE TO OPERATE IN MORE CONVENTIONAL MANNER NEW YORK/LONDON/PARIS. HOPEFULLY, WE MIGHT GET 30 TO 60 DAY GRACE PERIOD FROM BRITISH TO ALLOW CARRIER TO FILE CHANGE OF SCHEDULES WITH FRENCH AUTHORITIES.

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